

CITY OF CONCORD

In the year of our Lord two thousand and eleven

AN ORDINANCE amending the CODE OF ORDINANCES, Title IV, Zoning Code; Chapter 28, Zoning Ordinance; Article 28-5, Supplemental Standards and Article 28-2, Zoning Districts and Allowable Uses

The City of Concord ordains as follows:

SECTION I: Amend the CODE OF ORDINANCES, Title IV, Zoning Code; Chapter 28, Zoning Ordinance; Article 28-5, Supplemental Standards, by adding a new Section 28-5-50, Keeping of Chickens as Pets Accessory to a Residential Use, as follows:

28-5-50 Keeping of Chickens as Pets Accessory to a Residential Use. Chickens kept as pets by the residents of a dwelling unit shall be kept in accordance with all applicable City Ordinances and regulations, RSA 644:8, Cruelty to Animals, as well as the following provisions:

- (a) Purpose. It is the intent of this Section to allow for the keeping of domestic female chickens on a lot less than one (1) acre in size for the sole use and enjoyment of the residents of the lot on which such animals are kept, while at the same time to protect and promote the health, safety, and welfare of residents of neighborhoods by not allowing chickens of a number and type that would otherwise constitute a nuisance or menace to the public health and safety or cause a disturbance of the peace in neighborhoods;
- (b) Number and Type of Chickens Allowed. Up to five (5) chickens of any breed may be kept on a lot less than one (1) acre in size. Only female chickens are allowed to be kept. Male chickens are prohibited.
- (c) Limitations. The keeping of chickens shall be accessory to and on the premises of a single family detached dwelling and shall be for personal use only. No person shall sell eggs or engage in chicken breeding or any commercial activity related to the keeping of the chickens. On-site slaughtering of chickens is prohibited.
- (d) Henhouses and Fenced Areas Required. All chickens kept or raised accessory to a residential use shall be kept within structures and fenced areas and not be permitted to roam free. Structures and fenced areas for chickens, and manure storage areas must be located in side or rear yards and shall not be located within thirty (30) feet of any lot line and must meet the following standards:
 - a. Henhouses and enclosures must provide adequate ventilation, be kept in a neat and sanitary condition at all times, and in a manner that will not disturb the use or enjoyment of neighboring lots due to noise, odor or other adverse impact.

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- b. Henhouses and enclosures shall be enclosed on all sides and shall provide adequate protection for the chickens from weather and wild or domestic animals.
- c. The materials used in making the henhouse shall be uniform for each element of the structure and the use of scrap material shall be prohibited.
- d. All stored manure shall be covered by a fully enclosed structure or container. No more than three (3) cubic feet of manure shall be stored. All other manure not used for composting or fertilizing shall be removed from the property.

SECTION II: Amend the CODE OF ORDINANCES, Title IV, Zoning Code; Chapter 28, Zoning Ordinance; Article 28- 2, Zoning Districts and Allowable Uses, Section 28-2-4(k), Table of Accessory Uses, by adding a new Accessory to a Principal Residential Use, Use A-11, “Keeping of chickens”, subject to the Supplemental Standards of Section 28-5-50, as a Permitted (P) use in the following districts:

Open Space Residential (RO)
Medium Density Residential (RM)
Single-family Residential (RS)
Neighborhood Residential (RN)
Downtown Residential (RD)
High Density Residential (RH)
Urban Commercial (CU)
Civic Performance (CVP)
Institutional (IS)
Urban Transitional (UT)

SECTION III: Amend the CODE OF ORDINANCES, Title IV, Zoning Code; Chapter 28, Zoning Ordinance; Article 28-5, Supplemental Standards, Section 28-5-33, Keeping of Pets, by amending the first sentence as follows:

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The City of Concord ordains as follows:

28-5-33 Keeping of Pets. Animals kept as pets by the residents of a dwelling unit shall be kept in accordance with all applicable City Ordinances and regulations as well as the following provisions, except as permitted under Article 28-5-50, Keeping Chickens as Pets Accessory to a Residential Use:

SECTION IV: Amend the CODE OF ORDINANCES, Title IV, Zoning Code; Chapter 28, Zoning Ordinance; Article 28-5, Supplemental Standards, Section 28-5-33, Keeping of Pets, Subsection (b), Keeping of Household Pets as follows:

- (b) Keeping of Household Pets. Animals that may be kept within a residence as household pets include domestic dogs and cats, tropical birds, hamsters, guinea pigs, gerbils, white mice, fish, rabbits, and turtles.

SECTION V: This ordinance shall take effect upon its passage.

In City Council
December 12, 2011
Passed